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SUBJECT: ELECTIONS COMMISSION PART 2: BATTLE FOR CONTROL OF  
THE GOVERNORATE ELECTORAL OFFICES

REF: A. BAGHDAD 1477  
[1](#)B. BAGHDAD 2153  
[1](#)C. BAGHDAD 3442

Classified By: Ambassador Ryan C. Crocker for reasons 1.4(b) and (d).

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Summary  
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[1](#)1. (C) Summary: During September and the first half of October 2007 there was a surge in complaints directed at the International High Electoral Commission (IHEC), accusing it of political bias. These complaints are best understood in the context of the political parties battling for control of the IHEC's governorate electoral offices (GEOs) and attempting to control the selection of each governorate's Chief Electoral Officer (CEO). In twelve of the provinces, the political parties have manipulated the composition of the slates of five nominees presented for each CEO position. In the remaining six provinces, the inability of any one political party to control the nomination process has resulted in gridlock, and acrimony hurled at the IHEC, which does not control the nomination process. The United Nations Assistance Mission for Iraq (UNAMI) recommends adopting a transparent, UN supervised, technocratic selection process for the CEOs, which may be the best bet to break the current nomination gridlock and allow the IHEC to continue preparations for the numerous anticipated 2008 electoral events, which are outlined septel. End Summary.

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Surge in Complaints  
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[1](#)2. (S) During September and the first half of October 2007 there was a surge in complaints accusing the IHEC of political bias. For example, on September 27 UNAMI Deputy Special Representative to the Secretary General (DSRSG) Michael Schulenburg warned the Ambassador that the IHEC risked losing its independence, implying that political parties were seeking influence and control. On September 29 Amar al-Hakim, heir apparent to the leadership position of the Islamic Supreme Council of Iraq (ISCI), alleged to the Ambassador that the Sadrists were meddling with the IHEC. And on the same day, Prime Minister Maliki asserted to the Ambassador that the IHEC "was a disaster." (Note: Post believes these complaints result from the election of Kareem Al-Tamimi, who is a Shia and a Sadrhist, to the position of IHEC Chief Electoral Officer. End Note.) Conversely, on October 4 Minister of State for Parliamentary Affairs Dr. Safa al-Safi (Shia, United Iraqi Alliance - Sadrhist Movement) told poloff that other political parties were exerting control over the IHEC, although he did not specify which. On October 9 Fadhila Party CoR bloc leader Hassan al-Shammari griped about nefarious ISCI intermeddling in the IHEC through its "control" of a UN representative who advises the commission. (Note: Post does not consider this charge

against the UN-led International Electoral Advisory Team to be credible. End Note.) Other Embassy information in early October revealed that the United Iraqi Alliance was accusing other political parties of seeking to influence the IHEC.

13. (C) If these complaints are directed at the IHEC board of commissioners or the national office staff, they would be at odds with the initial high marks awarded to the IHEC for its commissioner selection process (Reftel A) and the commission's activities through June 2007 (Reftel B). Indeed, most of these accusations against the IHEC are at odds with the recent experiences of UNAMI's Chief Electoral Advisor, Embassy and MNF-I liaison officers to the IHEC, and members of IFES, the USAID-funded NGO that provides capacity building to the IHEC. Personnel within these organizations consistently give the IHEC board of commissioners high marks for their diligent efforts to prepare for 2008 electoral events in a technocratic, non-sectarian atmosphere.

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An Opportunity to Control Governorate Electoral Offices  
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14. (C) The complaints can be better understood in the context of various political parties' battles for control of the IHEC's governorate electoral offices (GEOs), in anticipation of 2008 electoral events (Reftel C). Control of the GEOs is the first organized attempt by political parties to exert influence over the IHEC; they seek to appoint party loyalists as governorate Chief Electoral Officers (CEOs). This is a plum position for a political party to control, as the CEO influences all aspects of provincial elections and referenda, including placement of polling stations, transport of ballots, hiring of field staff, and first stage screening of

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elections complaints.

15. (C) The political parties may have chosen to fight for control of the GEOs rather than for control of the IHEC board itself because of the different appointment processes for each. The IHEC law, passed in February 2007, gave the Council of Representatives (CoR) power to nominate and select the IHEC commissioners and power to nominate candidates for governorate CEOs, who would then be selected by the IHEC board. For the IHEC commissioners, CoR Speaker Mashadhani appointed CoR First Deputy Speaker Khalid Attiya to manage the nomination and selection process. Attiya agreed to adopt a transparent, UN-designed selection process and to allow UNAMI representatives full access. As a result, the CoR made a public call for applications, screened 1,313 applications through three UN-supervised stages, and selected the nine board members (four Shia, two Sunni, two Kurd, and one Turkoman). In the judgment of UNAMI observers, "the deliberation and decision-making process appeared balanced and rational and in compliance with the IHEC law, (IHEC Selection) Committee's established procedures and electoral 'best practice.'" Since their appointment on April 28, 2007, the IHEC commissioners have received high marks for their camaraderie and their non-sectarian, technical focus. In short, Attiya's decision to follow a UN-supervised process did not allow the political parties any opportunity to adversely influence the selection, which permitted an accelerated appointment timeline of four weeks from start to finish.

16. (C) A very different story emerges with the appointment of the provincial CEOs. The IHEC law splits appointment responsibility between the CoR and the IHEC board. For each provincial CEO position, either the CoR members representing that province or the provincial council members in that province nominate five candidates to the IHEC board. The IHEC board must then either pick one of the five nominees or reject them all. Unlike during the selection of the IHEC commissioners, First Deputy Speaker Attiya did not publish any criteria or give any direction as to how this process

would be conducted. There was no requirement to have a public call for applications, to evaluate technical skills, to have a systematic sorting process, or to ensure a non-sectarian evaluation. The result has been a free-for-all and the results tell the story.

17. (C) The selection of the nine IHEC commissioners took the CoR four weeks. In the almost six months since the IHEC commissioners were appointed on April 28, 2007, the CoR has succeeded in submitting nominations to the IHEC board for only twelve of the nineteen governorate CEOs (Note: Baghdad governorate has two CEOs due to its large size. End Note). Nominations for the seven CEOs for Baghdad, Ninewa, Diyala, Karbala, Najaf, and Basrah are nowhere to be found. As the IHEC board received the nominations for the other twelve provinces, they adopted a technical, non-sectarian process to evaluate each slate of candidates and provided UNAMI access to files and interviews. While the IHEC board controls the relative selection of the best candidate from each slate of five nominees, and is doing so in a manner that follows best practices, they cannot control the overall quality of the nominees with whom they are presented.

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"This is Not... a Transparent and Inclusive Process."  
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18. (C) Political parties immediately seized the latitude afforded them to manipulate the slates for each CEO position. CoR members from some governorates complained that only ruling political party nominees were forwarded to the IHEC. Similarly, the IHEC board observed that nominee lists were often signed exclusively by members of the ruling party for that province. For example, the Iraqi Islamic Party (IIP) ensured that all five nominees from Anbar were IIP party members. Some governorates nominated more than five candidates, others less, and very few nominated women or minorities. Nominees admitted in UNAMI-supervised interviews that they had no electoral experience, but were selected based on sectarian affiliation.

19. (C) Selecting the ten nominees for the two Baghdad CEOs has proven so contentious between ISCI and the Office of Martyr Sadr (OMS) that after a two-month delay, Baghdad submitted eleven nominees. The IHEC board rejected this slate outright for the technical violation of having more than ten nominees, earning it the enmity of the two powerful political parties. The initial nomination slate for Basrah was withdrawn after disagreement between Fadhila, ISCI, and OMS escalated. It should be no surprise that nominations for Baghdad, Ninewa, Diyala, Karbala, Najaf and Basrah remain vacant, as political gridlock in these provinces prevents any

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one political party from taking control of the nominations. All in all, as UNAMI Chief Electoral Advisor Sandra Mitchell dryly remarked, "this is not in conformity with international best practices for a transparent and inclusive process."

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Recommendations and a Way Forward  
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10. (C) According to UNAMI, the current process provides opportunities for political interference, denies all citizens and political parties the opportunity to participate, and impinges on the independence and impartiality of the IHEC. The best option to break the gridlock and ensure that the IHEC is in a position to conduct credible electoral events in 2008 is to abandon the current politicized appointment process for governorate CEOs and adopt a transparent, UN-supervised process similar to that used for the selection of the IHEC commissioners. UNAMI first made this recommendation in a September 22 letter from Chief Electoral Advisor Mitchell to First Deputy Speaker Attiya, and then repeated it in an October 5 letter from departing SRSG Ashraf

Qazi to Attiya. UNAMI warns that failure to reform the process will ensure that candidates identified solely by parliamentarians without a transparent process will remain loyal to the politicians and not the IHEC. It will also diminish the IHEC's ability to conduct credible and genuine elections and referenda that will be respected by all political parties, observers, and the Iraqi public.

¶11. (C) UNAMI recommends either that the CoR amend the IHEC law or that First Deputy Speaker Attiya issue administrative guidelines, as he did in March 2007 during the selection of the IHEC commissioners. A transparent, UN-supervised, technocratic selection process is the best way to break the current nomination gridlock. Until the political parties have confidence that their opponents cannot manipulate the process, ISCI, OMS, Dawa, and Fadhila in the remaining provinces are unlikely to agree on nominations. If the IHEC is to prepare for the numerous anticipated 2008 electoral events, it needs to complete the appointment of non-sectarian, technocrat CEOs quickly.

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Comment  
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¶12. (C) Comment: Of the nine IHEC commissioners, Mr. Kareem Al-Tamimi is the only Sadrism. His previous experience was as the head of the electoral field office in the Al-Rusafa district of Baghdad. In recognition of his technical competence, Mr. Kareem was elected by the other eight commissioners to the position of IHEC Chief Electoral Officer, which makes him a non-voting member of the board. As a result, there are no voting Sadrists on the IHEC board. Mr. Kareem has expressed appreciation for UNAMI capacity building efforts in the IHEC and for MNF-I's assistance in having his kidney problem handled at the 28th Combat Army Surgical Hospital. End Comment.  
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